



PA 19-160—sHB 7126

Judiciary Committee

AN ACT CONCERNING THE AWARD OF DOUBLE OR TREBLE DAMAGES TO AN INJURED PARTY IN A CIVIL ACTION RESULTING FROM CERTAIN TRAFFIC VIOLATIONS

SUMMARY: This act adds using a cell phone or mobile electronic device while driving to the motor vehicle violations for which double or triple damages may be awarded in certain circumstances.

By law, in civil actions to recover damages for personal injury, wrongful death, or property damage, the jury or judge may award double or triple damages if (1) the defendant committed the motor vehicle violation deliberately or with reckless disregard and (2) the violation was a substantial factor in causing the injury, death, or property damage. The injured party must make a specific pleading on this issue. If the defendant was driving a rented or leased vehicle, the vehicle owner is not responsible for double or triple damages unless the damages arose from the owner's operation of the vehicle.

Under existing law, the other motor vehicle offenses for which a jury or judge may award double or triple damages under these circumstances include, among others, speeding (CGS § 14-219), reckless driving (CGS § 14-222), driving under the influence of drugs or alcohol (CGS § 14-227a), and passing in a no-passing zone (CGS § 14-234).

EFFECTIVE DATE: July 1, 2019, and applicable to any civil action pending on, or filed on or after, that date.

BACKGROUND

Using a Cell Phone or Mobile Electronic Device While Driving

By law, it is generally a motor vehicle violation to operate a vehicle while:

1. using a cell phone to make a phone call,
2. using a mobile electronic device, or
3. typing, sending, or reading a text message on a cell phone or mobile electronic device.

The law provides certain exceptions, such as for using these devices to communicate with emergency responders or health care professionals during an emergency situation.

It is a \$150 fine for a first violation, \$300 fine for a second violation, and \$500 fine for a third or subsequent violation (CGS § 14a-296aa).